

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARMAN WILLIAMS,

Plaintiff,

-against-

NYC BOARD OF ELECTIONS et al.,

Defendants.

23-CV-5460 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Plaintiff Carman Williams sues the NYC Board of Elections and various individuals alleging (in the main) retaliation. Dkt. 1. Most of the individual defendants are city employees. However, defendant Reshma Patel is not a city employee but rather a volunteer. Reshma Patel, appearing pro se, moves to dismiss, arguing, among other things, that service of process was insufficient. Patel states under penalty of perjury that she was “never served with this lawsuit,” and that it was improper to try to serve her at the NYC Board of Elections, as she is not an employee there. Dkt. 55.

On March 12, 2024, Magistrate Judge Katherine H. Parker, who is handling general pretrial matters, ordered Plaintiff to respond to the motion by April 9, 2024, if she opposed it. Dkt. 57. Plaintiff never responded to the motion, although she did respond to the separate motion to dismiss filed by the other Defendants.

The Court construes Plaintiff’s silence as an indication that she no longer intends to proceed against Reshma Patel. In addition, the Court finds Patel’s declaration that she was never served credible, and Plaintiff fails to point to contrary evidence indicating a genuine issue of material fact as to the sufficiency of service. As such, the claims against Reshma Patel are DISMISSED WITHOUT PREJUDICE. If Plaintiff still wants to proceed against Reshma Patel, she should file a letter on the docket by May 24, 2024, indicating a proper address at which Reshma Patel may be served.

The parties are advised that this order has no effect on the motion to dismiss that was filed by the NYC Board of Elections and the other individual defendants. That motion will be addressed separately.

The Clerk of Court is directed to terminate the motion at Dkt. 55 and to terminate Reshma Patel from the docket.

The Clerk of Court is also directed to mail copies of this Order to Plaintiff and to Defendant Reshma Patel at the mailing addresses listed for those individuals on the docket.

SO ORDERED.

Dated: May 10, 2024
New York, New York



ARUN SUBRAMANIAN
United States District Judge